

AMENDMENT AND RESPONSE

Serial No.: 09/992,880

Filing Date: November 5, 2001

Title: INTEGRATED CIRCUIT WITH A MOS CAPACITOR

PAGE 11

Attorney Docket No. 125.014US01

REMARKS

Applicant has reviewed the Office Action mailed on November 24, 2003 as well as the art cited. In this Amendment and Response, Claims 1, 11-14 have been amended, Claim 10 has been canceled and Claims 65 and 66 have been added. Claims 1-5 and 8-9 and 11-37 are currently pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 10 and 11 were rejected under 35 USC § 102(b) as being anticipated by Guld, (U.S. Patent No. 5,525,529).

Applicant has canceled independent Claim 10 and amended Claim 11 to depend from currently amended Claim 12. Claim 12 has been indicated as being allowable if rewritten in independent form including all of the limitations of the original base claim. Claim 12 has herein been amended to include all of the limitations of the original base claim. Since Claim 10 has been canceled the rejection of Claim 10 under 35 USC § 102(b) is moot. Moreover, for the reasons set out above, the Applicant respectfully requests the withdrawal of the rejection of Claim 11 under 35 USC § 102(b).

Claims 1-5 and 8-9 were rejected under 35 USC § 102(b) as being anticipated by Lou (U.S. Patent No. 6,468,858).

Applicant has amended independent Claim 1. As amended Claim 1, includes elements not taught by the Lou reference. Accordingly, the Applicant respectfully requests the withdrawal of the rejection of independent Claim 1. Moreover, since Claims, 2-5 and 8-9 depend from and further define patentably distinct Claim 1, the Applicant respectfully requests the withdrawal of the rejection to these dependent claims. Since the Applicant believes these dependent claims are allowable for the reasons set out above, further response to other rejections to these claims have not been put forth at this time. The Applicant, however, retains the right to address said rejections if a further response is required.

In addition, the Applicant retains the right to swear behind the Lou reference.

AMENDMENT AND RESPONSE

Serial No.: 09/992,880

Filing Date: November 5, 2001

Title: INTEGRATED CIRCUIT WITH A MOS CAPACITOR

PAGE 12

Attorney Docket No. 125.014US01

Allowable Subject Matter

Claims 15-37 have been allowed.

Claims 12, 13 and 14 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant has amended the claims in independent form including all of the limitations of the base claims and intervening claims. Accordingly, the Applicant respectfully requests the withdrawal of the objection to Claims 12, 13 and 14.

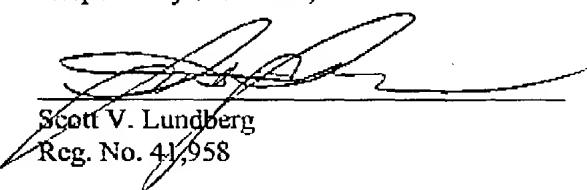
CONCLUSION

Applicant respectfully submits that claims 1-5, 8, 9 and 11-37 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 455-1690.

Respectfully submitted,

Date: 3-31-04


Scott V. Lundberg
Reg. No. 41,958

Attorneys for Applicant
Fogg and Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
T - (612) 332-4720
F - (612) 332-4731